

*State of Nebraska
Community Corrections Council
2008 Annual Report*





As Executive Director, I am pleased to present the first annual report of the Community Corrections Council. Created in 2003, the Council has been operating for approximately four and a half years. In this short time, significant progress has been made in developing and expanding Community Corrections in Nebraska. Communities across the state as well as the public have and will continue to benefit from the Council's past and future initiatives.

In 2003, the Nebraska Legislature, after careful consideration of the work of the 1998 Governor's Task Force on Prison Overcrowding, passed LB 46 in response to growing concerns about Nebraska's increasing prison population. As a result of LB 46, the Community Corrections Council was established as a collaborative entity comprised of criminal justice stakeholders. The Council, chaired by former Speaker of the Legislature Kermit A. Brashear, was given the challenging task of coordinating and overseeing the development of comprehensive Community Corrections policies for Nebraska.

Through an intense collaborative effort involving all three branches of government, the Council has focused on expanding existing and developing new community based programs and services for offenders across the state. Realizing that the greatest impact on prison overcrowding could be made by diverting offenders *prior* to being sentenced to prison, the Office of Probation Administration was identified as the primary entity to deliver these newly developed programs. In addition to Probation, the Council has partnered with both the Office of Parole Administration and Department of Correctional Services to implement the following new programs:

- ◇ Fee for Service Voucher Program
- ◇ Reporting Centers
- ◇ Specialized Substance Abuse Supervision (SSAS)

While the Council and its partners have made significant progress in development and implementation of community corrections in Nebraska, the effort is still in its initial stages and much work remains to be done. The Council remains committed to its mission of reducing prison overcrowding by developing community based alternatives to incarceration. A key component to this mission is providing a collaborative environment for policymaking to occur, which the unique makeup of the Council enhances by bringing service providers, stakeholders, judges, criminal justice agencies, legislators and the executive branch together at one table. The Council looks forward to continuing these efforts and providing support to probation and parole as we work together to transform the management and rehabilitation of offenders in Nebraska.

The goal of the Council is to reduce reliance on incarceration while maintaining public safety. This is accomplished by diverting targeted non-violent offenders into community based programs and reserving prison space for those offenders who pose the greatest risk to the community. There are two primary benefits to the development of community corrections. First, although the costs associated with developing and implementing new programs and initiatives are not insignificant, they are considerably less than the cost of incarcerating offenders, especially when considering the costs to build and maintain another prison. Second, research indicates targeting appropriate offenders for community based and rehabilitative services rather than incarceration significantly reduces recidivism.

I invite you to explore the annual report as it details the Council's achievements, goals, and innovative data research as we progress in the establishment of community correction programs. Visit us at <http://ccc.nebraska.gov> for more great information on the Council and the interested stakeholders.

Respectfully,

Linda Krutz
Executive Director

Our Mission Statement

The Mission of the Community Corrections Council is to develop and monitor the implementation of a comprehensive community corrections strategy in Nebraska for the purpose of reducing the incarceration of certain, targeted felony offenders while supporting the use of a continuum of community facilities and programs to ensure a consistent and rational statewide sentencing policy; to advance the use of specific and enhanced programming and treatment by the Office of Probation Administration and the Office of Parole Administration; to encourage creativity at the local level to support alternatives to incarceration; and to promote equity and fairness within Nebraska's criminal justice system.

The Council's Mandate

The Council's primary mandate is the development and implementation of a plan for statewide use of, and standards for, community correctional facilities and programs. To carry out this mandate the Council, in collaboration with the Offices of Probation and Parole Administrations, is tasked with studying and recommending improvements to existing community based programs and services for offenders. The Council is also charged with developing sentencing guidelines.

The Council's Philosophy

- ◆ *Criminal Sentences should be imposed fairly, rationally and consistently*
- ◆ *Public safety should be promoted*
- ◆ *Incarceration should be reserved for the most serious offenders*

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History of the Community Corrections Council

During the late 1980's and 1990's, Nebraska made several attempts to expand community corrections in response to prison overcrowding concerns. The Legislature sponsored the Nebraska Prison Capacity Project in 1987 to focus on the issue of a growing prison population and what could be done to manage it. The concept was to take carefully identified offenders who were prison bound and divert them into community based alternatives. These efforts led to the formation of the Governor's Task Force on Prison Overcrowding. This task force issued a report recommending both front-end and back-end alternatives to incarceration to avoid a fiscal crisis. Senator Brad Ashford sponsored a Community Corrections Act in 1993, which was passed but not funded by the Legislature. The lack of adequate resources prevented the programs from moving forward.

In 1997, the legislature authorized funding for a new prison in Tecumseh and the Work Ethic Camp (WEC) in McCook, which was designed to be a front-end diversionary alternative. There was also \$1 million set aside for community corrections. These funds helped to support the Office of Community Justice which awarded grants to communities to develop alternative programs for the offender. However, funding for the grant program ended in 2001 and was not renewed.

By 2002, Nebraska was facing a second prison population crisis in a decade, with the Department of Correctional Services (DCS) at 133% of design capacity. In the previous prison overcrowding crisis during the 1990's, the state had the financial resources to build the Tecumseh State Correctional Institution. This time, however, the financial realities and political climate precluded construction for a new prison. In response, then Governor Mike Johanns created the Community Corrections Working Group to identify ways to "plan a way out" of the impending population crisis. The Working Group was mandated to propose options that would maintain and enhance justice, reduce taxpayer cost, and ensure public safety.



The Working Group discussed a wide range of issues relating to the purposes of sentencing and incarceration, the protection of public safety, the efficient use of state resources, and the exercise of judicial discretion. They studied ways to reduce reliance on incarceration and to encourage the development and use of "community corrections" or community-based incarceration alternatives. It became apparent to the Working Group that there was a need to identify the type of prison bound offender who could be safely diverted to the community to ensure prison beds are reserved for offenders who pose the greatest danger. The Group also concluded sentencing alternatives must be created for offenders not requiring incarceration and these services should be implemented through the existing Probation and Parole systems to make the best use of state resources.

In 2002, the Community Corrections Working Group proposed comprehensive policy in the form of Legislative Bill 46 (LB46). LB46 created the Council as the first step in meeting the critical need to identify appropriate alternatives to centralized incarceration facilities—utilizing the resources and expertise of all three branches of government in a collaborative effort to develop a comprehensive community corrections strategy for Nebraska.

The Key Components of LB46

- Creation of the Community Corrections Council (Council) to oversee and ensure that a continuum of community corrections is developed for use by probationers and parolees. For budgetary and administrative support purposes, the Council was physically placed within the Nebraska Commission on Law Enforcement and Criminal Justice.
- Development of a criminal justice data reporting and analysis process to enable the state to make consistent, competent, and informed criminal justice policy and sentencing decisions.
- Establishment of Probation and Parole fees for the support of enhanced programming and services for offenders.
- Adoption of the Correctional System Overcrowding Emergency Act. In order to preempt federal court intervention, the act establishes a process in which the Governor can declare an overcrowding emergency when the prison population exceeds 140% of design capacity.
- Sentencing guidelines are to be developed by the Council and proposed to the Supreme Court. (In August 2007, the Supreme Court declined to adopt the proposed sentencing guidelines as a court rule, leaving the possibility that the legislature may implement the guidelines statutorily at some future date.)
- Authorization for probation officers to impose administrative sanctions when a probationer has committed a minor or technical violation.
- No longer requiring pre-sentence investigations (PSI) for Class IIIA misdemeanors and lesser offenses.

Subcommittee of the Council

Justice Behavioral Health Committee

The Justice Behavioral Health Committee (JBHC), formerly known as the Justice Substance Abuse Task Force, was developed as an independent committee by the Governor to help identify problems in communication between criminal justice and treatment systems and substance abuse and mental health areas. As of 2003, JBHC officially became a committee under the purview of the Council. The 32 members on JBHC have created three subcommittees to fulfill their strategic goals.

Purpose-

JBHC exists to create, review and facilitate the implementation of standards for substance abuse evaluations and treatment, and standards for mental health evaluation and treatment for the criminal justice population.

Mission-

JBHC's mission is to ensure integration, cooperation and active communication between the criminal justice system and treatment systems; substance abuse and mental health.

Vision-

JBHC strives for a collaborative working relationship between criminal justice and treatment providers for the ultimate goal of effective competent client care. JBHC's vision involves educational endeavors, data monitoring, provider competency and strategic planning.

Expected Outcomes-

- ◇ Safer Community
- ◇ Risk Reduction
- ◇ Recidivism Reduction
- ◇ Effective & Competent Client Care



JBHC Subcommittees

Curriculum Subcommittee

The primary objective of the Curriculum Subcommittee is to define the skills, knowledge and capacities needed by justice professionals and practitioners to provide criminal justice behavioral health services. An important component of this is identifying initial training standards and continuing education requirements for providing substance abuse evaluation services. In order to implement these changes, the committee is also tasked with collaborating with the various professional licensing boards and locating providers willing and able to provide the specialized training for the affected justice professionals and practitioners.

Data Subcommittee

In cooperation with other entities, the subcommittee will develop and implement a comprehensive data and case management system. This will allow offenders to have a level of care befitting their individual needs and perceived risk.

Provider Subcommittee

The Provider Subcommittee will research evidence-based practices for offenders which compliment the Nebraska Standardized Model. This includes a review of research material relevant to the provision of substance abuse services to criminal justice and juvenile justice clients, academic support, and involvement of substance abuse professionals and providers from across the state. The subcommittee will develop a coordinated recommendation of evidence-based practices to JBHC for their consideration.

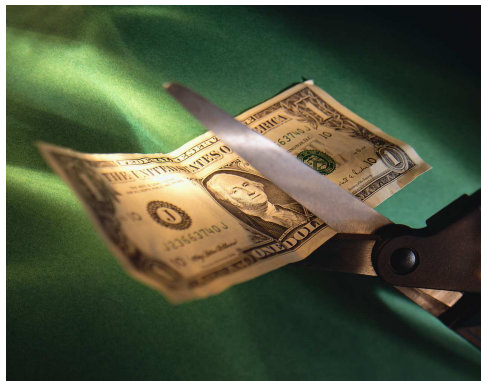
Financial Report Fiscal Year July 1, 2007 to June 30, 2008

The Community Corrections Fees Report is divided into several funds, appropriations and obligations, such as: the Uniform Data Analysis Fund; Probation Fees/Reimbursements; Parole Fees, and; various break outs under appropriations/obligations.

Probation Fees/Reimbursements

Balance 07/01/07	7,753,773
Administrative Fees	442,177
Supervision/ISP Fees	2,227,634
Reimbursement*	3,726,713
Other Revenue	175,880
Interest Earned	405,070
Expenditures	-6,635,465
Balance 6/30/08	8,095,782

The 07/08 appropriation for this fund is 8,156,993 (includes carryover). Revenue from fees 06/07 was 2,634,839 (not including interest earned). Reimbursements* from Council General Funds include 1,858,945 for specialized courts, 991,301 for treatment, 743,710 for reporting centers and 141,757 for data contracts. Total revenue from all fees is 2,669,811.



Probation Cash Fund

Substance Abuse Treatment	1,825,151
Reporting Centers	592,818
One time Costs	363,940
Probation/Parole Study	25,000
Total	2,806,909

One-time costs are those specified as unsustainable on an ongoing basis.

Uniform Data Analysis Fund

Balance 07/01/07	1,081,057
Fee Revenue	458,221
Interest Earned	57,670
Expenditures	-214,309
Balance 06/30/08	1,382,639
Cash Funds	360,477

This fund is designed to support the Uniform Crime Data Analysis Committee, which was created to provide advice and direction on the use of the Uniform Data Analysis fund. It is charged with developing approaches to collecting, maintaining and improving the data needed by the Council in developing programs as well as ascertaining the impact of community corrections. The 07/08 appropriation for this fund is 821,645 (includes carryover). Revenue from fees in 06/07 was 442,730 (not including interest earned).

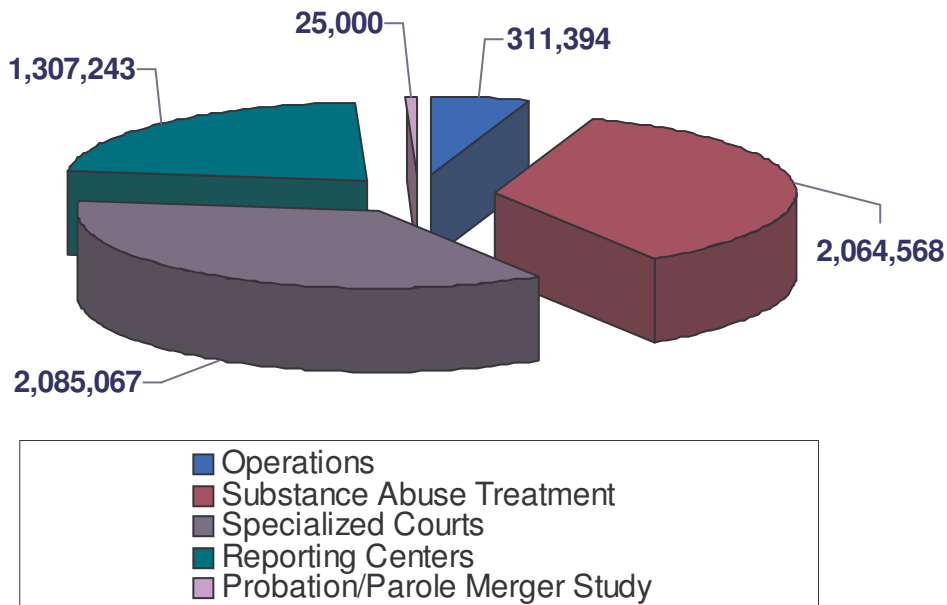
Parole Fees

Balance 07/01/07	508,897
Supervision Fees	164,696
Interest Earned	27,609
Expenditures	-61,884
Balance 6/30/08	639,318

The 07/08 appropriation for this fund is 98,500 (includes carryover). Revenue from fees in 06/07 was 126,232 (not including interest earned).

Financial Report Fiscal Year (cont...)

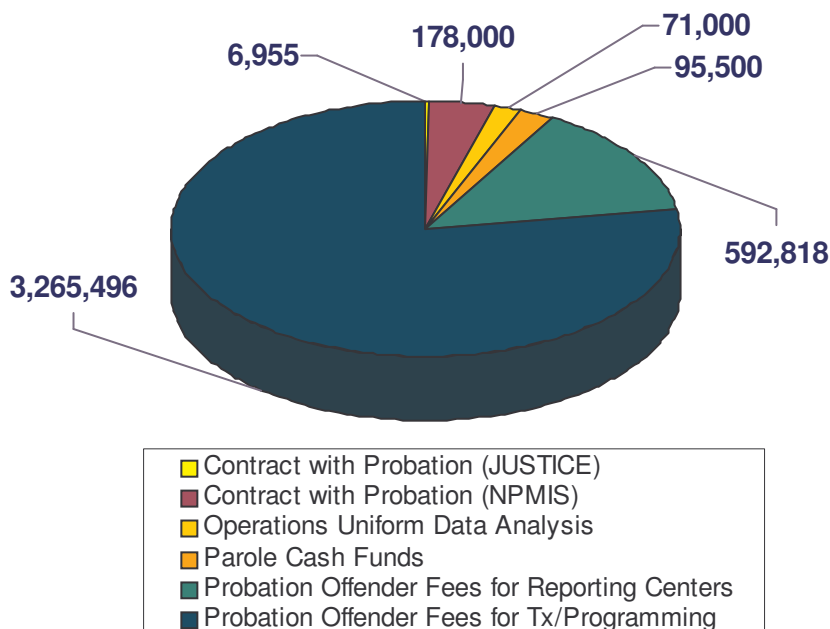
Community Corrections Council General Funds 07/08 \$5,793,272



LB 321, Sec 18

The supervision & management of the State Specialized Courts shall be under the direct jurisdiction of the Supreme Court and the State Court Administrator. Any contractual funds from CCC to support the cost of operating the State Specialized Courts shall only be credited and expended directly from the Probation Program Cash Fund.

Community Corrections Council Cash Funds 07/08 \$4,209,769



LB 321, Sec 19

It is the intent of the Legislature that any General Funds transferred to the Probation Program Cash Fund that were to be used for substance abuse treatment be used to assist in the development of increased capacity of substance abuse and mental health treatment systems.

Council Collaborations

Community Corrections in Nebraska encompasses a wide array of programs and services. These are designed to reduce prison admissions on the front end by diverting offenders from incarceration into probation, specialty court programs or other community-based alternatives and to reduce the length of stay on the back end by targeting low-risk inmates for early parole or transition into community supervision. Drug courts, sentencing guidelines, reporting centers and programs such as Specialized Substance Abuse Services (SSAS) are examples of front-end approaches aimed at diverting appropriate offenders from prison into community corrections. Parole and correctional programs such as work release are back end approaches intended to reduce the length of stay for offenders identified as appropriate for community supervision.

A key component of both of these approaches is expanding the availability of rehabilitative services, such as substance abuse treatment, in communities across the state as well as inside our state correctional institutions. Examples of these efforts include the Fee-For-Service Treatment Voucher program, the standardized model for delivery of substance abuse services, Reporting Centers, and increased availability of substance abuse treatment programs within the Department of Correctional Services (DCS).

Below and on the following page is a program by program description of current efforts by the Council and its partners.

Fee-for-Service Treatment Voucher Program

Many offenders do not have the financial ability to initiate their own rehabilitation programs. The Fee-For-Service Treatment Voucher Program (Voucher Program) is a program administered by the Office of Probation Administration which pays registered providers for evaluation and treatment services provided to offenders on probation or parole who are unable to afford the services themselves. To date the program has been funded through \$1 million in offender fees and a legislative general fund appropriation of \$2.5 million designated to fund felony drug offender treatment.

Standardized Model for Delivery of Substance Abuse Services

Recognizing the connection between substance abuse and crime, the Justice Substance Abuse Task Force, the predecessor to the Justice Behavioral Health Committee (JBHC), developed the initial proposal for a statewide protocol for the evaluation and treatment of individuals with substance abuse problems. The proposal evolved into the Standardized model which was adopted by the Nebraska Supreme Court as a court rule in 2005. The model establishes standards for screening, risk assessment, evaluation and levels of care which allow for individualized treatment plans which have been shown to be effective, while also ensuring uniform standards for service delivery across the state. In requiring a uniform assessment and evaluation process, data can be collected and analyzed so that evidence based changes can be implemented in the future.

Reporting Centers

Reporting Centers are community based facilities that maintain a focus on public safety while providing a number of on-site services for offenders who would otherwise be prison bound. A 2006 general fund appropriation helped Probation Administration to develop and operate the Reporting Centers which are currently located in Lincoln, Omaha, Papillion, Nebraska City, South Sioux City, Kearney and Lexington. The combination of specialized services and intensive supervision provided by specially trained Probation staff serve to provide an environment where offenders can work to rehabilitate themselves and learn skills necessary to successfully re-integrate into the community.

In the year since they have opened, the Reporting Centers have significantly increased the capacity for community based services in the areas they serve and have become an integral part of Nebraska's community corrections strategy to reduce recidivism and alleviate prison overcrowding while ensuring public safety.

The funding sources for Reporting Centers demonstrate their collaborative nature and close ties to the communities they serve. The physical space and ongoing operations expenses are funded by the county, staffing costs are paid by the state with general funds and the costs of services are funded by the state with offender fees and substance abuse voucher funds.

The offender populations served by the Reporting Centers include probationers, parolees, SSAS participants, and problem solving court participants. Having one location for community based services and supervision for all these populations maximizes efficiency and allows for the sharing of expertise and resources. Services available to offenders at the Reporting Centers include substance abuse treatment, behavioral health services, vocational training, life skills training and other rehabilitation oriented programming.

Council Collaborations

Specialized Substance Abuse Supervision Program

Specialized Substance Abuse Supervision, referred to as SSAS, is an intensive, community-based supervision model developed by the Office of Probation Administration in collaboration with the Council and other stakeholders. SSAS is intended to provide the Courts and Parole Board with a structured treatment program as an alternative to incarceration. The target population for the SSAS program is felony drug offenders who are chemically dependent. Probation has identified risk assessment tools to determine appropriate candidates. Founded on evidence-based principles shown to reduce recidivism by targeting the treatment needs of the offender, the SSAS program combines substance abuse treatment in the community with intensive case management by specially trained probation officers. SSAS is funded with a combination of general funds and programming fees paid by probationers. SSAS services are currently available in Douglas, Lancaster, Dodge, Sarpy, Otoe, Buffalo and Dawson counties.

The goals of the SSAS Program are to:

- ◇ Lower Levels of Recidivism and Relapse
- ◇ Improve Education and Enhance Employability
- ◇ Facilitate Reintegration into the Community
- ◇ Maintain Public Safety

The offender's needs are individually assessed so the treatment, including length of time spent in treatment, may be customized. This creates the most efficient and effective means to assist the offender to recover, maintain sobriety, and become a productive, law abiding member of the community. The core components of the SSAS program are:

- ◇ Access to Substance Abuse Treatment
- ◇ Participation in Cognitive Behavioral Programming
- ◇ Use of Reporting Centers



Sentencing Guidelines

One of the Council's statutory duties is to develop sentencing guidelines for felony drug offenders and submit the proposed guidelines to the Supreme Court for adoption. (N.R.S §47-630) The objective of the guidelines is to provide alternatives to incarceration as a sentencing option for non-violent drug offenders. In April of 2007, the Council submitted proposed voluntary guidelines for felony drug offenders to the Supreme Court for its consideration. In August 2007, the Supreme Court declined to adopt the proposed guidelines as a court rule, indicating in its decision that sentencing guidelines are a legislative function and that the separation of powers doctrine prohibits the legislature from delegating that function to the Judicial Branch. Although there are no immediate plans for future submission, the guidelines may play an important part in the future of the community corrections programs.

Problem Solving Courts

Since its inception, the Council has recognized the value of problem solving courts in addressing society's need to rehabilitate offenders and reduce recidivism. These courts emphasize partnerships in and outside the traditional role of the judiciary to assist families and individuals to redirect their lives and behaviors. Problem solving courts include drug, domestic violence, driving under the influence (DUI), family and mental health. While each court targets a different problem, they all ensure judicial oversight and a comprehensive team approach to improve outcomes for victims, communities and participants. Through intensive staff and judicial supervision they provide increased accountability for offenders and encourage offenders to accept responsibility for their own lives and actions.

To support the development and maintenance of these courts the Council sought and was appropriated \$2 million to help expand problem solving courts over the past biennium. These funds were utilized by Probation Administration and the Administrative Office of the Courts to offset the cost of developing new courts and provide staff and supervision personnel to both existing and new problem solving courts. By the end of 2007 there have been 20 courts established.

Partners of the Council

Vera Institute of Justice

An independent policy research center focusing on criminal justice issues, Vera has assisted in the development of community corrections in Nebraska since the formation of the Community Corrections Working Group in 2002.

Vera's Center on Sentencing and Corrections (CSC) provides nonpartisan support to government officials and criminal justice professionals charged with formulating sentencing and corrections policy. Using empirical data and evidence-based practices, Vera has helped the Council identify emerging trends and issues in the field and develop cost-effective strategies for protecting public safety.

In 2007, the Council was directed by LB540 to contract with an organization specializing in criminal justice policy to conduct the Probation and Parole Services Study. The study was completed in December.

University of Nebraska-Omaha

The College of Public Affairs and Community Service at the University of Nebraska—Omaha (UNO) has been a valuable partner in the Council's efforts to develop Community Corrections in Nebraska. T. Hank Robinson, Ph.D. and a team of researchers were commissioned by the Council to conduct a comprehensive study of methamphetamine (meth) use and treatment in Nebraska. *Moving Past the Era of Good Intentions: Methamphetamine Treatment Study*, published in 2006, helped to give a clear view of the meth problem in Nebraska and led to the development and passage of legislation the following year. In December 2006, the *Recidivism Reduction Center Study* was also completed. The academic and institutional resources of the University will be essential as Community Corrections continues to evolve in Nebraska and the Council is pleased to have these resources and expertise to draw upon.



University of Nebraska-Omaha (UNO) campus

The Nebraska Commission on Law Enforcement and Criminal Justice

As a small independent state agency, the staff of the Community Corrections Council is located within the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) for administrative and budgetary purposes in order to maximize efficiency. The Executive Director of the Crime Commission is Michael E. Behm, who is also a statutory member of the Council.

The Council and the Crime Commission have an excellent working relationship and collaborate on long-range planning and related activities. In addition to sharing physical space and administrative support, Council staff and the Crime Commission work together on a variety of projects. The Information Services Division of the Commission assists with identifying and implementing Uniform Data Fund projects and gathers and analyzes information for the Council regarding various community corrections programs. Budgetary personnel assist with the appropriations for programs supported by the Probation Cash fund, and staff from both divisions regularly present updates at Council meetings. Without the support of the Crime Commission staff, the Council would not be able to accomplish what it does without significant additional effort and expense.

Data

Data research is an integral part of the Community Corrections Council's goal of advancing community corrections programs. To assist in the need for data compilation, Nebraska Revised Statute §§ 47-627 allows for the provision of statistical and research support by the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission).

The Information Division, a part of the Crime Commission, produces various forms of information to the Council, including: reports as current and past populations of the Department of Correctional Services, Probation, Parole and jails. The Crime Commission, using the Criminal Justice Information System (CJIS), supports the implementation of information technology projects funded through the Community Corrections Uniform Data Analysis Cash fund. These funded projects are undertaken to improve the datasets needed to support the Council needs and initiatives and affect both operational and statistical systems.

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Human progress is neither automatic nor inevitable...
Every step toward the goal of justice requires sacrifice,
suffering, and struggle; the tireless exertions and pas-
sionate concern of dedicated individuals.

- Martin Luther King, Jr



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